

Carlisle Planning Board

Rules and Regulations

for

Application Procedures for **Accessory Apartment Special Permits** May, 1996

Summary of Application Procedure

Prepare the following documents:

- Plot plan of principal residence & proposed accessory apartment with living areas of each indicated in square feet
- Exterior renderings of principal residence & proposed accessory apartment showing entrances
- Floor plans of principal residence & proposed accessory apartment
- Certificate that the owner will occupy the premises (see the form in this packet)

Go to the following offices:

- Assessors Office: get a list of current abutters.
- Board of Health: get a letter regarding adequacy of sewage and drainage.
- Building Commissioner: get a letter of conformance to Building Codes.
- Town Clerk: bring 3 copies of completed application package.
- Planning Board: file one copy of Application package certified by the Town Clerk.

Filing, Hearing, and Decision Schedule

You should prepare three (3) copies of the application package. Massachusetts state law requires that you

1. file one (1) copy of the application with the Town Clerk; and
2. file one (1) copy of the application **certified by the Town Clerk** with the Planning Board (together with the filing fee indicated on the application). You can do this by:
 - a. mailing it to the Planning Board, 66 Westford Street, Carlisle, MA 01741
 - b. delivering it to the Planning Board's mailbox in the Carlisle Town Hall; or
 - c. delivering it to the Planning Board office in the Carlisle Town Hall (second floor).
3. keep a certified copy for yourself.

The Planning Board must hear your application within sixty five (65) days of the date of filing the application.

The Planning Board will publish the Notice of Public Hearing in a local newspaper once in each of two (2) successive weeks, the first publication not less than fourteen (14) days before the day of the hearing. The Planning Board will also mail notices to you and to the abutters.

The Planning Board will file the decision with the Town Clerk within ninety (90) days of the date of the **close** of the public hearing. (A hearing is not always finished the first night and can be continued to a later date.)

A period of twenty (20) days from the date of filing of the decision with the Town Clerk applies during which the decision may be appealed.

After the appeal period has expired, ask the Town Clerk if any notice of appeal has been filed with her office. If not, in order to make your Special Permit effective, you must file a certified copy of the decision with the Registry of Deeds in Lowell. **The Town Clerk will provide the proper document to you.**

You may file ("record") the decision in person at the Registry, or you may call the Registry for instructions on mailing the decision and fee for recording. Return a copy of the recorded permit to the Planning Board, 66 Westford Street, Carlisle, MA 01741. Note: you must still apply for a building permit to construct the permitted apartment. The Building Inspector may require a copy of the recorded permit with the recording information when you apply for a building permit.

IF A SUBSTANTIAL USE OF THE ACCESSORY APARTMENT SPECIAL PERMIT IS NOT MADE WITHIN ONE (1) YEAR OF THE DATE OF THE GRANTING, THE PERMIT SHALL LAPSE.

Please note that this brief statement is intended only to assist you as a guide. You should refer to the Zoning Bylaws for a complete statement of the rules, regulations, and requirements concerning these matters.

Accessory Apartment

5.6.5 Procedure

The Planning Board shall notify the Board of Health of the application for a special permit hereunder and allow them a reasonable time to inspect and comment upon said application. The Planning Board may grant a special permit under this Section upon finding that the request is compatible with the purpose of this Section and meets the minimum requirements hereunder.

After notice and public hearing as may be required by the General Laws of the Commonwealth, the Planning Board may grant such a special permit for the creation of an accessory apartment provided that:

Planning Board Records	5.6.5.1	no more than 75 special permits for accessory apartments may be issued and outstanding at any time;
Floor Plan of dwelling & if any new construction is to be done, the plan to be submitted for Building Permit	5.6.5.2	the apartment is accessory to the principal residence and will be a complete, separate housekeeping unit that functions as a separate unit from the original single-family dwelling;
Floor Plan	5.6.5.3	the living area of the apartment does not exceed 1,200 square feet;
Floor Plan	5.6.5.4	the finished living area of the apartment is less than 35% of the combined finished living area of the principal residence and the proposed apartment, as measured after conversion;
Certificate of Occupancy is signed by the Owner, and Ownership is Certified by Assessors or subsequent deed	5.6.5.5	either the apartment or the principal residence is occupied by the owner(s) of the lot on which the apartment is to be located, except for bona fide temporary absences. If the lot on which the apartment is to be located is owned by the Town of Carlisle, the owner-occupancy requirement of this paragraph shall not be applicable as long as the lot and the structures thereon continue to be owned by the Town of Carlisle;
Board of Health letter	5.6.5.6	adequate provision has been made for the disposal of sewage, waste, and drainage generated by the occupancy of such apartment in accordance with the requirements of the Commonwealth or the Carlisle Board of Health, whichever is applicable;
Site Plan (possible sources: Septic Plan, Plot Plan, Assessors Plan)	5.6.5.7	in consideration of the neighborhood and the existing access to the street of the single family dwelling, adequate provision has been made for ingress and egress to the apartment from said street;
Plot Plan	5.6.5.8	the construction and occupancy of the apartment will not be detrimental to the neighborhood in which the lot is located or injurious to persons or property;
	5.6.5.9	the lot on which the apartment and principal residence are located contains at least two (2) acres;

Plot Plan & Floor Plan	5.6.5.10	no more than two bedrooms are allowed for lots less than three (3) acres in area;
Plot Plan	5.6.5.11	adequate provision has been made for off-street parking of motor vehicles in such a fashion as is consistent with the character of a single-family residence;
Planning Board Records	5.6.5.12	there is no other apartment on the lot on which the apartment is to be located;
Exterior Rendering	5.6.5.13	the external appearance of said house before or after the creation of the apartment is that of a single-family residence. In general, any new entrances shall be located on the side or rear of the building; and
Building Commissioner's Letter	5.6.5.14	the construction of any accessory apartment must be in conformity with the State Building Code requirements.

Carlisle Planning Board
66 Westford Street, Carlisle, MA 01741
Phone: 978-369-9702 Fax: 978-369-4521

Application for Special Permit

(Adopted 3/5/90, revised 7/8/91, 3/27/95 and 1/26/98)

Applicant's name, address and telephone number: _____

Applicant is: Owner _____ Agent _____ Purchaser _____ Tenant _____

If applicant not the owner, the owner's name, address and telephone number: _____

Location of property _____ Total area _____ Total Frontage _____

Assessor's Map: Sheet(s) # _____ Lot(s) # _____

Recorded at North Middlesex Registry of Deeds in Book # _____ and Page # _____

Application is for a special permit for:

Fee:

_____ Common Driveway, new	\$500
_____ Common Driveway, amendment	\$250
_____ Common Driveway, extension	\$200
_____ Accessory Apartment, new, amendment	\$250
_____ Accessory Apartment, extension	\$200
_____ Conservation Cluster, new	\$1,000
_____ Conservation Cluster, amendment	\$300
_____ Conservation Cluster, extension	\$200
_____ Wetland/Flood Hazard, Underlying District, new, amendment	\$250
_____ Wetland/Flood Hazard, extension	\$200

Note: The application form for the Senior Residential Open Space Community special permit is found in the SROSC rules and regulations.

Signature of applicant _____ **Date** _____

Signature of owner _____ **Date** _____

Signature of Town Clerk _____ **Date** _____

Received from _____ a copy of this form with the Town Clerk's
signature, dated, with application fee of \$ _____ on (date) _____.

Planning Board Signature _____

Title _____ **Date** _____

If special permit is granted, please return a copy of the recorded decision to the above address within 60 days.

Certificate that the Owner Will Occupy the Premises

To the Carlisle Planning Board:

The undersigned, owner(s) of the lot designated

Map _____ Parcel _____

on the Town of Carlisle Property maps located at

(address) _____

And applicant(s) for a Special Permit for an accessory apartment under Section 5.6 of the Carlisle Zoning Bylaws hereby certify that I/we will occupy the

_____ principal residence _____ accessory apartment

I/We understand that any Special Permit granted pursuant to our application will be valid only if either the principal residence or the accessory apartment is occupied by the owner(s) of the lot on which the accessory apartment is located, except for bona fide temporary absences.

I/We understand that any Special Permit granted pursuant to my/our application shall terminate upon the sale of the property or transfer of the title of the building; provided, however, that a sale or transfer of title shall not dispossess the then residents of the accessory apartment of their tenancy.

I/We agree to notify the Planning Board if and when we sell the property or transfer title of the building.

_____ Date _____

_____ Date _____

Parties in Interest List

For Premises: _____

Recorded in Middlesex North District Registry of Deeds in Book _____ Page _____

Owned by: _____

as appears in our records.

We certify that the above and attached lists, taken from our Real Estate Property Lists, include the names and addresses of all parties in interest under Massachusetts General Law (M.G.L.) Chapter 40A, as amended, to the best of our knowledge and belief.

Carlisle Assessors Clerk _____ Date _____

Board of Health Letter

To the Carlisle Planning Board:

I/We have reviewed the plans for an accessory apartment at:

(address) _____

submitted by (applicant) _____

and have determined that they fulfill the requirements of Section 5.6.5.6 of the Carlisle Zoning Bylaw that

adequate provision has been made for the disposal of sewage, waste, and drainage generated by the occupancy of the proposed accessory apartment in accordance with the requirements of the Commonwealth of Massachusetts or the Carlisle Board of Health as applicable.

I/We have signed and dated all the plans which I/we have reviewed.

For the Carlisle Board of Health

Date _____

Note: Consult with the Planning Board before applying to the Board of Health for this letter.

Building Commissioner Letter

To the Carlisle Planning Board:

I/We have reviewed the plans for an accessory apartment at

(address) _____

submitted by (applicant) _____

and have determined that they fulfill the requirements of Section 5.6.5.14 of the Carlisle Zoning Bylaw that

the construction of the proposed accessory apartment is in conformity with the State Building Code requirements.

I/We have signed and dated all the plans which I/we have reviewed.

Carlisle Building Commissioner

Date _____

**Town of Carlisle
Massachusetts
to
Planning Board**

Application for Hearing

Date _____

Name of Applicant: _____

Address _____

Nature of Special Permit _____ Accessory Apartment _____

Property for which Special Permit is sought _____

Location _____

Owner or Owners of Record _____

Address _____

Recorded at Registry of _____

Book # _____ Parcel # _____ Page # _____

Applicable section of Zoning Bylaw 5.6

I hereby request a hearing before the Planning Board with reference to the above-noted application.

Signed _____

Signed _____

Title _____

Received from above applicant, the sum of \$ _____ to apply against
advertising and mailing costs.

Planner Assistant to the Planning Board

**Town of Carlisle
Planning Board**

Legal Notice of Public Hearing

In accordance with the provisions of Massachusetts General Laws, Chapter 40A, Section 9, the Carlisle Planning Board will hold a public hearing on (date) _____ at _____ p.m.
at the Carlisle Town Hall, 66 Westford Street, Carlisle, MA on the petition of

for approval of a(n) _____ Special Permit under
Section _____ of the Carlisle Zoning Bylaw for the parcel located at
_____ and shown on
Town Atlas Map _____, parcel(s) _____.

Plans may be reviewed at the Town Clerk's office, 66 Westford St., Carlisle, MA, from 9:00 a.m. to 3:00 p.m., Monday through Friday.

Checklist with corresponding Zoning Bylaw

The Applicant supplies the following:

1. Plot plan of principal residence and apartment, which includes:
 - a. Statement of total living area of principal residence
 - b. Statement of total living area of proposed accessory apartment (5.6.5.3, 5.6.5.4, 5.6.5.7, 5.6.5.9-11)
2. Exterior rendering of principal residence with proposed accessory apartment (5.6.5.13)
3. Floor Plan of principal residence with proposed accessory apartment (5.6.5.2, 5.6.5.10)

The following forms (contained in this application packet) must be filled in and submitted with the application:

1. Application with fee (See the Application Form)
2. Certificate that the owner will occupy the premises signed by the owner(s) as appear(s) in assessors records or subsequent deed (5.6.5.5)
3. Parties in Interest list
4. Board of Health letter concerning adequacy of sewage, waste, and drainage generated by occupancy of the apartment (5.6.5.6)

CONSULT THE PLANNING BOARD BEFORE REQUESTING THIS LETTER FROM THE BOARD OF HEALTH.

5. Building Commissioner's letter (5.6.5.14)

Please Note: you may apply to the Assessors Office, Board of Health, and Building Commissioner in any order or simultaneously. After the application is complete, you must then present it to the Town Clerk for her receipt. Then deliver the completed receipted package to the Planning Board with the application fee.